

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Durward I. Faries, Jr. et al.

Serial No.: Not Yet Assigned

Examiner: Unknown

Confirmation No.: Unknown

Art Unit: Unknown

Filed: Herewith

For: **Temperature Sensing Device for Selectively Measuring Temperature at Desired Locations Along an Intravenous Fluid Line**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97(b)**

Pursuant to the duty imposed by 37 C.F.R. §1.56 to disclose information which may be material to the patentability of the above-identified patent application, the Applicant(s) would like to direct the Examiner's attention to the documents listed on the enclosed Information Disclosure Citation Form. In accordance with this duty of disclosure, Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97 and 1.98.

- ☐ Pursuant to 37 C.F.R. §1.98, a copy of each document cited in the attached Form is enclosed.
- ☐ The subject Information Disclosure Statement is being filed without copies of the listed U.S. Patents and/or U.S. patent application publications pursuant to the waiver of the requirement under 37 C.F.R. §1.98(a)(2)(i) for applications filed after June 30, 2003. Copies of the listed foreign patent documents and/or non-patent literature are enclosed herewith.
- ☒ No copies of the publications listed on the attached form are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. 09/973,988 to which the above-identified application claims priority under 35 U.S.C. §120.

- ☐ Publication(s) _____ listed on the attached Form were cited in a foreign search or examination report corresponding to _____ application serial no. _____ and mailed on _____.
- ☐ Enclosed is a copy of a non-English publication(s) _____. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).
- ☐ Enclosed is a copy of a non-English publication(s) _____. English language publication _____ (copy enclosed) claims priority from this non-English publication.
- ☐ Enclosed is an explanation of non-English publication(s) _____ for which an English translation is not available.
- ☐ Enclosed is an English translation of non-English publication(s) _____ cited in the attached Form.
- ☐ Enclosed is a copy of pending patent Application Serial No. _____.

This Information Disclosure Statement is filed within any one of the following time periods:

- ☐ within three months from the filing date of this national application other than a CPA under 37 C.F.R. § 1.53(d);
- ☐ within three months from the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in this international application;
- ☒ before the mailing date of a first office action on the merits; or
- ☐ before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

The Commissioner is hereby authorized to charge payment of any fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form to the undersigned.

Dated: 5/20/04

EDELL, SHAPIRO & FINNAN, LLC
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Respectfully submitted by
EDELL, SHAPIRO & FINNAN, LLC

By: Stuart B. Shapiro
Stuart B. Shapiro
Reg. No. 40,169

FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)
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ATTY DOCKET NO. 1322.0046DIV

SERIAL NO. Not Yet Assigned

APPLICANT : Durward Faries, Jr., et al.

FILING DATE : Herewith

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| | | 5,564,915 | 10/15/96 | Johnson | | | |
| | | 3,526,134 | 09/01/70 | Schaus | | | |
| | | 5,829,880 | 11/03/98 | Diedrich | | | |
| | | 4,138,890 | 02/13/79 | Brown | | | |
| | | 3,845,661 | 11/05/74 | Hollweck et al | | | |
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FOREIGN PATENT DOCUMENTS

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| | | 522,866 | 07/10/1894 | Weinhagen et al. | | | |
| | | 558,979 | 04/28/1896 | Noble | | | |
| | | 675,647 | 06/04/1901 | Andersen et al. | | | |
| | | 785,524 | 03/21/1905 | Shea | | | |
| | | 803,352 | 10/31/1905 | Meyer | | | |
| | | 1,062,111 | 05/20/1913 | Nylander | | | |
| | | 1,092,643 | 04/07/1914 | Goolsby | | | |
| | | 1,110,919 | 09/15/1914 | Gamble | | | |
| | | 1,223,274 | 04/17/1917 | Hallock | | | |
| | | 1,390,500 | 09/13/1921 | Christian | | | |
| | | 1,493,450 | 05/06/1924 | Richardson | | | |
| | | 1,726,212 | 08/27/1929 | Bucky | | | |

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| | | 1,770,832 | 07/15/1930 | Bass | | | |
| | | 1,794,215 | 02/24/1931 | Titus | | | |
| | | 1,838,026 | 12/22/1931 | Williams | | | |
| | | 1,847,954 | 03/01/1932 | Fisher | | | |
| | | 1,960,417 | 05/29/1934 | Pain, Jr. | | | |
| | | 1,982,213 | 11/27/1934 | Hopkins | | | |
| | | 1,987,119 | 01/08/1935 | Long | | | |
| | | 1,995,302 | 03/26/1935 | Goldstein | | | |
| | | 2,063,902 | 12/15/1936 | Beasley | | | |
| | | 2,087,586 | 07/20/1937 | Tishman | | | |
| | | 2,124,293 | 07/19/1938 | Goldstein | | | |
| | | 2,204,764 | 06/18/1940 | Mayo | | | |

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| | | 2,254,994 | 09/02/1941 | Butland | | | |
| | | 2,470,481 | 05/17/1949 | Freeman | | | |
| | | 2,910,981 | 11/03/1959 | Wilson et al. | | | |
| | | 3,140,716 | 07/14/1964 | Harrison et al. | | | |
| | | 3,247,851 | 04/26/1966 | Seibert | | | |
| | | 3,370,153 | 02/20/1968 | Du Fresne et al. | | | |
| | | 3,475,590 | 10/28/1969 | Pins | | | |
| | | 3,485,245 | 12/23/1969 | Lahr et al. | | | |
| | | 3,551,641 | 12/29/1970 | Truhan | | | |
| | | 3,590,215 | 06/29/1971 | Anderson et al. | | | |
| | | 3,612,059 | 10/12/1971 | Ersek | | | |
| | | 3,614,385 | 10/19/1971 | Horstmann | | | |

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| | | 3,651,695 | 03/28/1972 | Brown | | | |
| | | 3,908,652 | 09/30/1975 | Weissinger | | | |
| | | 4,038,519 | 07/26/1977 | Foucras | | | |
| | | 4,090,514 | 05/23/1978 | Hinck et al. | | | |
| | | 4,309,592 | 01/05/1982 | Le Boeuf | | | |
| | | 4,375,813 | 03/08/1983 | Hessel | | | |
| | | 4,384,578 | 05/24/1983 | Winkler | | | |
| | | 4,464,563 | 08/07/1984 | Jewett | | | |
| | | 4,495,402 | 01/22/1985 | Burdick et al. | | | |
| | | 4,523,078 | 06/11/1985 | Lehmann | | | |
| | | 4,532,414 | 07/30/1985 | Shah et al. | | | |
| | | 4,551,136 | 11/05/1985 | Mandl | | | |

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| | | 4,651,813 | 03/24/1987 | Witt et al. | | | |
| | | 4,657,004 | 04/14/1987 | Coffey | | | |
| | | 4,678,460 | 07/07/1987 | Rosner | | | |
| | | 4,682,979 | 07/28/1987 | Girouard | | | |
| | | 4,707,587 | 11/17/1987 | Greenblatt | | | |
| | | 4,735,609 | 04/05/1988 | Comeau et al. | | | |
| | | 4,745,248 | 05/17/1988 | Hayes | | | |
| | | 4,756,299 | 07/12/1988 | Podella | | | |
| | | 4,801,777 | 01/31/1989 | Auerbach | | | |
| | | 4,844,074 | 07/04/1989 | Kurucz | | | |
| | | 4,859,360 | 08/22/1989 | Suzuki et al. | | | |
| | | 4,874,033 | 10/17/1989 | Chatelain et al. | | | |

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| | | 4,906,816 | 03/06/1990 | van Leerdam | | | |
| | | 4,934,336 | 06/19/1990 | White | | | |
| | | 5,013,889 | 05/07/1991 | Bakke | | | |
| | | 5,042,455 | 08/27/1991 | Yue et al. | | | |
| | | 5,059,182 | 10/22/1991 | Laing | | | |
| | | 5,061,241 | 10/29/1991 | Stephens, Jr., et al. | | | |
| | | 5,081,697 | 01/14/1992 | Manella | | | |
| | | 5,106,373 | 04/21/1992 | Augustine et al. | | | |
| | | 5,108,372 | 04/28/1992 | Swenson | | | |
| | | 5,125,069 | 06/23/1992 | O'Boyle | | | |
| | | 5,125,900 | 06/30/1992 | Teves | | | |
| | | 5,129,033 | 07/07/1992 | Ferrara et al. | | | |

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| | | 5,184,613 | 02/09/1993 | Mintz | | | |
| | | 5,195,976 | 03/23/1993 | Swenson | | | |
| | | 5,211,631 | 05/18/1993 | Sheaff | | | |
| | | 5,241,951 | 09/07/1993 | Mason et al. | | | |
| | | 5,243,833 | 09/14/1993 | Coelho et al. | | | |
| | | 5,245,693 | 09/14/1993 | Ford et al. | | | |
| | | 5,250,032 | 10/05/1993 | Carter, Jr., et al. | | | |
| | | 5,254,094 | 10/19/1993 | Starkey et al. | | | |
| | | 5,261,411 | 11/16/1993 | Hughes | | | |
| | | 5,261,875 | 11/16/1993 | Spears et al. | | | |
| | | 5,263,929 | 11/23/1993 | Falcone et al. | | | |
| | | 5,279,598 | 01/18/1994 | Sheaff | | | |

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| | | 5,282,264 | 01/25/1994 | Reeves et al. | | | |
| | | 5,290,230 | 03/01/1994 | Ainsworth et al. | | | |
| | | 5,297,234 | 03/22/1994 | Harms et al. | | | |
| | | 5,364,385 | 11/15/1994 | Harms et al. | | | |
| | | 5,370,674 | 12/06/1994 | Farrell | | | |
| | | 5,381,510 | 01/10/1995 | Ford et al. | | | |
| | | 5,397,875 | 03/14/1995 | Bechtold, Jr. | | | |
| | | 5,408,576 | 04/18/1995 | Bishop | | | |
| | | 5,417,274 | 05/23/1995 | Verkaart | | | |
| | | 5,420,962 | 05/30/1995 | Bakke | | | |
| | | 5,451,209 | 09/19/1995 | Ainsworth et al. | | | |
| | | 5,729,653 | 03/17/1998 | Magliochetti et al. | | | |

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| | | 5,755,275 | 05/26/1998 | Rose et al. | | | |
| | | 5,806,528 | 09/15/1998 | Magliochetti | | | |
| | | 4,804,367 | 02/14/1989 | Smith et al. | | | |
| | | 4,808,159 | 02/28/1989 | Wilson | | | |
| | | 6,254,572 | 07/03/2001 | Knipfer et al | | | |
| | | 6,221,045 | 04/24/2001 | Duchon et al | | | |
| | | 6,129,702 | 10/10/2000 | Woiass et al | | | |
| | | 5,263,323 | 11/23/1993 | Maus et al | | | |
| | | 5,073,167 | 12/17/1991 | Carr et al | | | |
| | | 4,832,689 | 05/23/1989 | Mauerer et al | | | |
| | | 4,684,367 | 08/04/1987 | Schaffer et al | | | |
| | | 5,840,068 | 11/24/1998 | Cartledge | | | |

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| | | 3,636,767 | 1/25/72 | Duffy | | | |
| | | 4,187,847 | 02/12/80 | Loeser | | | |
| | | 4,543,095 | 09/24/85 | Jensen | | | |
| | | 5/662,611 | 09/02/97 | Beiser et al. | | | |
| | | 4,329,569 | 05/11/82 | Hjortsberg et al. | | | |
| | | 5,683,381 | 11/04/97 | Carr et al. | | | |
| | | 6,236,809 | 05/22/01 | Cassidy et al. | | | |
| | | 6,480,257 | 11/12/02 | Cassidy et al. | | | |
| | | 4,098,123 | 07/04/78 | Granzow, Jr. | | | |
| | | 3,293,868 | 12/27/66 | Gonzalez | | | |
| | | 2002/0041621 | 04/11/02 | | | | |
| | | 2002/0156451 | 10/24/02 | | | | |

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| | | 6,467,953 | 10/22/02 | Faries, Jr. et al. | | | |
| | | 6,566,631 | 05/20/03 | Faries, Jr. et al. | | | |
| | | 2003/0114795 | 06/19/03 | Faries, Jr. et al. | | | |
| | | 6,660,974 | 12/09/2003 | Faries, Jr. et al. | | | |
| | | 6,722,782 | 4/20/2004 | Faries, Jr. et al. | | | |
| | | 2003/0231990 | 12/18/2003 | Faries, Jr. et al. | | | |
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